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Dated: 5/31/05 Signature: Joyce Krumpal  
(Joyce Krumpal)

Docket No.: (AP9265)209565-83110  
(PATENT)

AF  
JPW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Alfred Eckert

Application No.: 09/701,910

Confirmation No.: 1060

Filed: 02/20/2001

Art Unit: 3683

For: Method & Device for Actuating a Brake System  
for Automotive Vehicles

Examiner: M. C. Graham

**RESUBMISSION OF AMENDMENT AFTER FINAL ACTION (37 C.F.R. SECTION 1.116)**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned has recently discovered that the U.S. Patent and Trademark Office PAIR system does not show the receipt of the Amendment After Final that the undersigned submitted to the US Patent and Trademark Office via facsimile on February 22, 2005. The undersigned contacted Examiner Graham and inquired about the status of this February 22, 2005 Amendment. Examiner Graham confirmed that the February 22, 2005 Amendment was not of record at the U.S. Patent and Trademark Office and requested that the undersigned resubmit the Amendment After Final along with the following documents as proof of submission of an Amendment:

1. Copy of facsimile transmittal confirmation showing that a seven page Amendment relating to application serial no. 09/701,910 was successfully faxed on February 22, 2005 to facsimile number 703-872-9306.

Application No.: 09/701,910

Docket No.: (AP9265)209565-83110

2. Copy of the signed Amendment (which evidences an executed certificate of transmission dated February 22, 2005) as filed with the U.S. Patent and Trademark Office on February 22, 2005.

Copies of the two-above referenced documents are submitted herewith.

Dated: May 31, 2005

Respectfully submitted,

By 

Joseph V. Coppola, Sr.

Registration No.: 33,373

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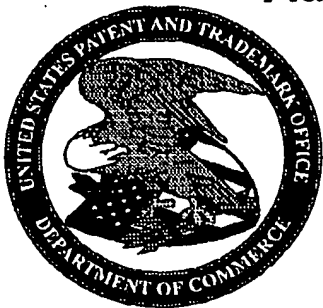
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Examiner Alfred Eckert/Art Unit 3683 209565-83110	USPTO	703-872-9306

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AMENDMENT AFTER FINAL. PLEASE ENTER

S.N. 09/701,910

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Dated: 2/22/05 Signature: J. Krumpel  
(Joyce Krumpel)

JUN 06 2005

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MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Final Office Action dated December 21, 2004 (Paper No. 12162004), please amend the above-identified U.S. patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.

**AMENDMENTS TO THE CLAIMS**

1-11 (Canceled)

12. (Currently amended) A device for actuating a brake system to accomplish a brake assist function, comprising:

a control unit for reducing at least one of a damping effect and a counterforce on a brake pedal when the brake assist function is activated,

a sensor for sensing brake pedal actuation, and

wherein the sensed brake pedal actuation is used by the control unit to determine the vehicle deceleration that is to be effected by the brake system,

wherein the counterforce is responsive to pedal travel and rises with an increasing actuating travel.

13. (Previously presented) The device as claimed in claim 12, wherein the counterforce is a function of at least one of brake pedal travel, the speed of brake pedal actuation and the acceleration of brake pedal actuation, and wherein the counterforce is reduced when at least one of the brake pedal travel, the speed of brake pedal actuation and the acceleration of brake pedal actuation exceeds a threshold value.

14. (Canceled)

15. (Previously presented) The device as claimed in claim 12, wherein the damping effect depends on at least one of brake pedal travel, the speed of brake pedal actuation and the acceleration of brake pedal actuation, and wherein the damping effect is reduced when at least one of the sensed brake pedal travel, the speed of brake pedal actuation and the acceleration of brake pedal actuation exceeds a threshold value.

16. (Withdrawn) A device for actuating a brake system to accomplish a brake assist function, comprising:

a control unit for changing a brake force acting in the system as a function of at least one of an actuating travel of a brake pedal as sensed by a brake pedal sensor, an actuating

speed of the brake pedal and an acceleration of actuation of the brake pedal when the brake assist function is activated, and wherein the brake force acting in the system corresponds to a ratio between at least one of the determined actuating travel, the actuation speed and the acceleration of actuation of the brake pedal, and a vehicle deceleration to be effected by the brake system.

17. (Withdrawn) The device as claimed in claim 16, wherein the brake force acting in the system is augmented with a rising actuating travel, a rising actuating speed, or a rising acceleration of actuation.

18. (Withdrawn) The device as claimed in claim 16, wherein the brake force acting in the system is reduced continuously to a normal brake force when the actuating travel decreases.

19. (Previously presented) A device for actuating a vehicle brake system to accomplish a brake assist function, comprising:

a control unit for reducing at least one of a damping effect and a counterforce on a brake pedal when the brake assist function is activated,

a sensor for detecting brake pedal actuation, wherein the control unit is coupled to the sensor for determining the vehicle deceleration to be effected by the brake system, and wherein the control unit changes a brake force acting in the brake system depending on at least one of an actuating travel, an actuating speed and an acceleration of actuation of the brake pedal when the brake assist function is activated, wherein the brake force acting in the system corresponds to a ratio between at least one of the actuating travel, the actuating speed and the acceleration of actuation of the brake pedal, and the deceleration to be effected by the brake system.

20. (Canceled)

21. (Withdrawn) A method for actuating a vehicle brake system to accomplish a brake assist function, comprising the steps of:

changing a brake force acting in the system as a function of at least one of:



- i. an actuating travel of a brake pedal,
- ii. an actuating speed of the brake pedal and,
- iii. an acceleration of actuation of the brake pedal when the brake assist function is activated, and

wherein the brake force acting in the system corresponds to a ratio between at least one of the actuating travel, the actuating speed and the acceleration of actuation of the brake pedal, and a vehicle deceleration to be effected by the brake system.

22. (Previously presented) A method for actuating a vehicle brake system to accomplish a brake assist function, comprising the steps of:

reducing at least one of a damping effect and a counterforce on a brake pedal when the brake assist function is activated,

determining the vehicle deceleration that is to be effected by the brake system as a function of brake pedal actuation, and

changing a brake force acting in the system depending on at least one of actuating travel, actuating speed and acceleration of actuation of the brake pedal when the brake assist function is activated, wherein the brake force acting in the system corresponds to a ratio between at least one of the actuating travel, the actuating speed and the acceleration of actuation of the brake pedal, and a vehicle deceleration to be effected by the brake system.

**REMARKS**

Claims 16-18 and 21 were previously withdrawn and claims 1-11 were previously canceled. Claims 14 and 20 are canceled herein and claim 12 is amended herein. There are no new claims added. Accordingly, claims 12, 13, 15, 19, and 22 remain under prosecution in this application.

**35 USC § 102**

Claims 12, 19, 20 and 22 are rejected under 35 USC § 102 as being anticipated by Lubbers et al and Campau et al.

Claim 12 is amended herein to incorporate the features of claim 14. None of the references of record teach or suggest the invention set forth in newly amended claim 12 and accordingly, the undersigned believes that claim 12 and its dependent claims (claims 13, and 15) are now in condition for allowance.

Claim 19 includes, amongst other limitations, the following:

wherein the brake force acting in the system corresponds to a ratio between at least one of the actuating travel, the actuating speed and the acceleration of the actuation of the brake pedal, and the deceleration to be effected by the brake system.

None of the references of record teach or suggest the above-claimed ratio and, at least for this reason, claim 19 is allowable. If the Examiner still believes that either Lubbers or Campau teaches or suggests the ratio set forth in claim 19, the undersigned respectfully requests the Examiner to specifically point out where in the references the claimed ratio is taught or suggested.

Claim 22 sets forth, amongst other limitations, the following limitation:

wherein the brake force acting in the system corresponds to a ratio between at least one of the actuating travel, the actuating speed and the

acceleration of actuation of the brake pedal, and a vehicle deceleration to be effected by the brake system.

None of the references of record teach or suggest the ratio set forth in claim 22. If the Examiner believes that either Lubbers et al or Campau et al teaches or suggests the above claimed ratio, the undersigned respectfully requests that the Examiner cite a specific portion or portions of these references which he is relying on to teach the claimed ratio.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: February 22, 2005

Respectfully submitted,

By 

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